

JAVERBAUM WURGAFT HICKS KAHN WIKSTROM & SININS, P.C.
505 Morris Avenue
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Attorneys for Plaintiff

Plaintiff

ANTONIO RODRIGUEZ

vs.

Defendant

UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CIVIL ACTION NO.

COMPLAINT AND
DESIGNATION OF TRIAL COUNSEL

Plaintiff, Antonio Rodriguez, residing at 449 Rosehill Place, in the City of Elizabeth, County of Union and State of New Jersey, complaining of the Defendant, deposes and says:

JURISDICTION

1. The Plaintiff is a citizen of the State of New Jersey, residing at 449 Rosehill Place, Elizabeth, County of Union and State of New Jersey.
2. The Defendant, United States of America, is a public entity.
3. By passage of the Federal Tort Claims Act, 28 U.S.C. Section 1346(b) and 28 U.S.C. Section 2671-2680, the Defendant, United States of America, has consented to be sued in actions sounding in tort and Section 1346(b) of said Act specifically grants the Federal District Courts exclusive jurisdiction over torts allegedly committed by the Defendant, United States of America, its agencies, agents, servants and/or employees.

4. The jurisdiction of this Court is predicated upon 28 U.S.C. Section 1346(b) and upon 28 U.S.C. Section 1331 in that it arises under the laws of the United States of America.

5. The amount in controversy potentially exceeds the sum or value of \$75,000 exclusive of interest and costs.

6. Plaintiff presented his claim to the appropriate federal agency, the United States Postal Service, in accordance with 28 U.S.C. Section 2671 et seq., or otherwise. Said federal agency never formally denied the Plaintiff's claim. Accordingly, the Plaintiff has exhausted his administrative remedies pursuant to 28 U.S.C. Section 2675.

FIRST COUNT

7. On or about March 23, 2019, Plaintiff, Antonio Rodriguez, was lawfully on the premises known as the Elizabeth Post Office in Elizabeth, Union County and State of New Jersey.

8. At all times herein, Defendant, United States of America, owned, occupied, operated and/or maintained the premises commonly known as the Elizabeth Post office in Elizabeth, Union County and State of New Jersey.

9. Defendant, United States of America, did so negligently and carelessly own, occupy, operate and/or maintain the aforesaid premises so as to cause a dangerous condition to exist thereon.

10. As a direct and proximate result of the negligence of the Defendant, as aforesaid, Plaintiff, Antonio Rodriguez, was caused to sustain and did sustain serious and permanent personal injuries requiring the care and treatment of physicians, hospitalization and medication, and has been and will in the future continue to be hampered in his daily routine.

WHEREFORE, Plaintiff, Antonio Rodriguez, demands judgment against the Defendant, United States of America, in the amount of his damages, together with interest and costs of suit.

JAVERBAUM WURGAFT HICKS KAHN
WIKSTROM & SININS
Attorneys for Plaintiffs

by: 

Eric G. Kahn

NOTICE OF TRIAL COUNSEL

Please take notice that Eric G. Kahn, Esq. is hereby designated as Trial Counsel in the above-captioned matter for the firm of Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, pursuant to Rule 4:25 et. seq.

CERTIFICATION

I, the undersigned, do hereby certify to the best of my knowledge, information and belief, that except as hereinafter indicated, the subject matter of the controversy referred to in the within pleading is not the subject of any other Cause of Action, pending in any other Court, or of a pending Arbitration Proceeding, nor is any other Cause of Action or Arbitration Proceeding contemplated;

1. OTHER ACTIONS PENDING.....YES _____ NO X
A. If YES - Parties to other Pending Actions.
B. In my opinion, the following parties should be joined in the within pending Cause of Action.
2. OTHER ACTIONS CONTEMPLATED?.....YES _____ NO X
A. If YES - Parties contemplated to be joined, in other Causes of Action.
3. ARBITRATION PROCEEDINGS PENDING?.....YES _____ NO X
A. If YES - Parties to Arbitration Proceedings.
B. In my opinion, the following parties should be joined in the pending Arbitration Proceedings.
4. OTHER ARBITRATION PROCEEDINGS CONTEMPLATED?.....YES _____ NO X
A. If YES - Parties contemplated to be joined to Arbitration Proceedings.

In the event that during the pendency of the within Cause of Action, I shall become aware of any change as to any facts stated herein, I shall file an amended certification and serve a copy thereof on all other parties (or their attorneys) who have appeared in said Cause of Action.

JAVERBAUM WURGAFT HICKS KAHN
WIKSTROM & SININS
Attorneys for Plaintiffs

by: 

Eric G. Kahn

DATED: February 3, 2021